

USER'S GUIDE 2012 NEWTON REVISED ORDINANCES

For first time and infrequent users:

What are the Ordinances? In a nutshell, the ordinances are locally enacted laws affecting municipal government and private conduct within the City of Newton.

Are Ordinances the same as bylaws? In Massachusetts, cities use the term “ordinances” while towns refer to similar local laws as “bylaws.” The overall idea is much the same, although the provisions adopted in any particular city or town will vary, reflecting decisions made by each local government.

How are Newton’s Ordinances adopted? By vote of the Board of Aldermen, either with approval of the Mayor, or over the Mayor’s veto by a supermajority of the Board.

What kind of rules do the Ordinances include? They cover a wide range of rules of conduct. Just a few examples include controls on local land use, called zoning; traffic controls; and specifications for construction of public streets.

Some ordinances are procedural in nature, setting out rules for the operation of government. For example, the ordinances include the residency rules for members of local boards and commissions; and the sick leave provisions for Newton’s employees.

How do I find the part I am looking for? Use the Table of Contents at the front of the book – it contains a topical list, set out by chapter by chapter. You also may wish to use the topical Index, which appears at the back of the book. Finally, you might find it useful to refer to the online version of the Ordinances, which include a search engine allowing you to find key words.

HELPFUL HINT: Once you have found a section that is relevant to your research, read the sections that appear immediately before and after that section; keep working your way forward and back for as long as you find relevant provisions.

How are the Ordinances organized? There are thirty chapters, organized by topic. Within each chapter the ordinances are set out in sections.

How are the sections numbered? Each section bears a number that also identifies the chapter. For example, section 3-2 is found within chapter 3.

What are Articles and Divisions? In the longer chapters, the sections are organized together into Articles to guide readers. In some cases, the Articles are broken into Divisions, to further organize the information by subject.

What are those numbers at the upper page corners? Within the chapters, notations appearing in the upper corners to guide users searching for a particular section. The number at the upper left corner refers to the first section on that page; the number on the right refers to the last section appearing on the right page.

What about amendments? The ordinances are amended frequently. It is strongly suggested that you look to the City website for an updated version. However, please note that the online version is an unofficial one. You also may wish to contact the City Clerk’s office for copies of amendments

Do the Ordinances contain all the governing laws? No. Depending on your topic, you may need to refer to relevant state and federal laws. For example, although Newton issues building permits, a statewide building code sets out many of the rules for construction.

Users should take note that some Newton departments have adopted their own regulations or policies. For example, the Health and Human Services Commission has issued Regulations for the Keeping of Animals.

How about the traffic and parking rules? The ordinances contain many traffic and parking rules (see chapter 19). However, you also may need to refer to the “Traffic and Parking Regulations,” which are established by the Traffic Council, which is an appointed local board.

What about penalties? Violating an ordinance can involve a penalty, such as a fine that is paid like a parking ticket or imposed by a court. Penalty provisions can be found in many sections. For starters, section 1-6 sets out a general penalty, applicable to all violations except for those sections that include a separate and specific penalty provision. Many chapters and sections contain their own specific penalty provision.

For experienced users: This section sets out more technical information.

Even if you are experienced, you also may find it helpful to review the above section for First Time and Infrequent Users.

What is the effective date? The 2012 edition of Newton’s Ordinances became effective on July 8, 2012.

The 2012 Revised Ordinances (black binder) replace the 2007 edition (brown binder). Over the years, binder colors were used to help keep track of the editions, as follows:

1979 and prior – black	2001 – red
1984 – maroon	2007 – brown
1989 – blue	2012 -- black
1995 -- green	

How often are the Ordinances updated? Newton’s City Charter requires recodification and re-adoption of Revised Ordinances at 5- year intervals. Additional information is available in the Preface.

Why does the word “Revised” appear in the title? “Revised” is a way of showing that this Recodification has occurred, meaning that the Board of Aldermen and Mayor have adopted a Revised version of the Newton ordinances, which integrates recent amendments. Recodification also includes editorial changes, such as re-numbering of sections and re-organization of articles and chapters.

What is the status of the online version? The City of Newton provides an online version of the ordinances for convenient reference. Amendments are available through the website as well. However, it is the printed version, and subsequent amendments thereto that together constitute the official version of the Revised Ordinances.

Why is the 2012 book smaller than recent editions?

Chapter 19 is shorter, as a result of delegating certain traffic and parking responsibilities to the Traffic Council (also see next question).

What kind of changes were included in the 2012 Recodification? To make it easier to follow, a new chapter 7 was added, covering “Boards and Commissions.”

Chapter 19 was significantly affected by the City’s 2007 vote to delegate to the Traffic Council authority over regulations governing operation and parking of vehicles at particular locations. Following that vote, the Traffic Council has established Traffic and Parking Regulations. Accordingly, the detailed provisions describing parking restrictions on a street by street basis no longer appear within the Ordinances. In addition, as part of

recodification additional small edits were made to several sections within chapter 19 to reflect and carry out the recent delegation.

Chapter 20 was significantly altered. Some provisions within the chapter were re-numbered; and yet other sections that previously appeared therein were moved to different chapters, based on subject matter. A new title was assigned to Chapter 20, “Civil Fines and Miscellaneous Offenses” (substituting for the prior title, “Offenses and Miscellaneous Provisions”).

Where are the penalty provisions: The ordinances include a number of provisions establishing penalties for violations. For starters, section 1-6 sets out a general penalty, applicable to all violations except for those sections that include a separate and specific penalty provision.

For example, penalty provisions applicable to certain parking provisions appear at sections 19-8 and 19-9. The noise control ordinance contains its own penalty provision, which appears at section 20-13(j). Thus, users are advised to look first at the particular section and chapter for specific penalties, but also to keep in mind the general penalty provision.

How are ordinances enforced? Some sections are subject to enforcement by issuance of tickets. Sections 20-20 and 20-21 provide detailed information about the provisions subject to ticketing. Most other sections are enforced by court action.

What other rules might be relevant to my research?

In carrying out its responsibilities, the Board of Aldermen operates under “Rules & Orders of the Board of Aldermen.” Thus, those rules are relevant to the process for adopting and amending ordinances. As well, Article X thereof directs the Board of Aldermen’s procedures for certain zoning matters involving submission of applications for special permits and site plan approvals.

What are the historical notes? At the bottom of each section appears a notation in parentheses that describes the history of the provision, back to 1973.

For example, section 5-20 includes the following:

(Rev. Ords. 1973, § 14- 10; Ord. No. 190, 12-20-76; Ord. No. S-301, 2-1-88; Rev . Ords. 1995, § 20-10; Rev. Ords. 2007, § 20-59)

The example consists of five parts, each separated by semi-colons, which can be deciphered as follows:

- Rev. Ords. 1973, § 14-10 means that it appeared in the 1973 Revised Ordinances as section 14-10.
- Ord. No. 190, 12-20-76 means that the provisions were amended by Ordinance No. 190, enacted December 20, 1976.
- Ord. No. S-301 means that it was amended once again by Ordinance S-301, enacted February 1, 1988; and
- Rev. Ords. 1995, § 20-10 means that the provision appeared in the 1995 Revised Ordinances as section 20-10; and
- Rev. Ords. 2007, § 20-59 means that the provision appeared in the 2007 Revised Ordinances as section 20-59.

What other legislative history is available?

The Statutory Reference table and the Comparative Table of Ordinances (see further description below). As well, the 2012 Report of the Recodification Committee, available from the Clerk of the Board of Aldermen, sets out the rationale for the 2012 recodification and further substantive work to do to clarify the ordinances even further.

What is the purpose of the non-Ordinance portions of this book? For convenience, the book also includes information about other important governance documents affecting the City of Newton, as follows:

City Charter: A City Charter serves as the constitution for Newton’s local government. The Newton City Charter, considered a “Home Rule Charter,” was adopted by local voters in 1971. The full text of the City Charter appears as part of the Ordinance book. A copy of the Charter is also available on the Newton City Website.

General Laws Accepted: For “local option” enactments of the state legislature (sometimes called “Acceptance laws”), each Massachusetts city and town may choose whether to “accept” the new law.

For each local option law that have been accepted in Newton, this list provides the citation, date of acceptance, and a brief description. For example, Newton issues property tax bills on a quarterly basis, based on its acceptance of General Laws chapter 59 section 57C. That entry appears as follows:

G.L. c.59, §57C—Relative to the quarterly collection of property taxes.

Accepted July 9, 1990.

Related Laws: A list of “Special Acts,” sometimes called “Home Rule Petitions” or “Special Legislation” as adopted by the Massachusetts legislature. Most of the acts listed here affect only Newton. By definition, Special Acts affect only one or two cities and towns. The list contains citations to the enacting legislation, in chronological order.

Statutory Reference Table: This table provides a list of state laws that are noted within the Ordinances or City Charter.

Comparative Table Ordinances: For each ordinance adopted between September 1, 2007 through June 18, 2012, this table shows where it appears within the 2012 Revised Ordinances.

This table is useful to those working off the ordinance number assigned at enactment. For example, knowing that a new ordinance concerning maintenance of vacant properties was adopted on 12-21-2009 as Z-60, it is possible to determine that the relevant provisions now appear as section 5-21.

Helpful hints for using the Ordinances:

Find all applicable relevant provisions: In many situations, users will find it necessary to review more than one section. For starters, it is helpful to at least skim all the sections that appear within the same article or division. Keep an eye on cross-references or editor’s notes, as they may guide you to a different section or to a related law.

Be alert to Definitions: Some ordinance sections must be read and understood in light of definitions that have been adopted as part of the Revised Ordinances.

Section 1-3 sets out Rules of Construction, including definitions, which apply to all chapters.

In some cases, additional definitions are set out in connection with specific chapters or sections. For example, the sewer ordinances are affected by an extensive set of definitions that appear at section 29-58. As well, the zoning provisions in chapter 30 must be understood in light of the definitions that appear at section 30-1.

Help us help you. Finally, this is the first User’s Guide to the Newton Revised Ordinances. If there are matters that you believe would be helpful to clarify or add, please contact the Clerk of the Board of Aldermen at City Hall, 1000 Commonwealth Avenue, Newton, MA 02459 617-796-1200.